

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF TENNESSEE
AT CHATTANOOGA

UNITED STATES OF AMERICA)
) Case No. 1:06-cr-012-CLC-SKL-1
v.)
)
JOSEPH G. HARDIN)

MEMORANDUM AND ORDER

JOSEPH G. HARDIN, (“Defendant”) appeared for a hearing on July 24, 2023, in accordance with Rules 5 and 32.1 of the Federal Rules of Criminal Procedure on the Petition and Order for a Warrant for an Offender Under Supervision (“Petition”) in the above matter.

Defendant was placed under oath and informed of his constitutional rights. It was determined that Defendant wished to be represented by an attorney and he qualified for appointed counsel. Federal Defender Services of Eastern Tennessee was appointed to represent Defendant. It was also determined that Defendant had been provided with and reviewed with counsel a copy of the Petition. The Government moved that Defendant be detained without bail pending his revocation hearing before U.S. District Judge Curtis L. Collier. Defendant waived his right to a detention hearing, but requested a preliminary hearing and time to prepare for said hearing, which was scheduled to take place the following day, July 25, 2023. On July 25, 2023, Defendant requested additional time to prepare for the preliminary hearing. The parties agreed on a continuance and the preliminary hearing was rescheduled to take place on August 3, 2023 [Doc. 41]. Prior to the rescheduled preliminary hearing, Defendant notified the Court that Defendant was waiving his right to a preliminary hearing [Doc. 44]. Based on the waiver, I find Defendant, with advice of counsel, waived his right to a preliminary hearing.

Based upon the Petition and notice of waiver of preliminary hearing [Doc. 44], the Court finds there is probable cause to believe Defendant has committed violations of his conditions of supervised release as alleged in the Petition. Based on the waiver of detention hearing at the initial appearance on the Petition, the Court finds Defendant, with advice of counsel, waived his right to a detention hearing, but a detention hearing may be granted later upon motion of Defendant.

Accordingly, it is **ORDERED** that:

- (1) Defendant shall appear for a revocation hearing before U.S. District Judge Collier.
- (2) The Government’s motion that Defendant be **DETAINED WITHOUT BAIL** pending his revocation hearing before Judge Collier is **GRANTED**.

(3) The U.S. Marshal shall transport Defendant to an in-person revocation hearing **before District Judge Collier at 2:00 p.m. on Wednesday, September 13, 2023.**

SO ORDERED.

ENTER.

s/ *Susan K. Lee*

SUSAN K. LEE
UNITED STATES MAGISTRATE JUDGE